

**IN THE UNITED STATES DISTRICT COURT FOR
THE SOUTHERN DISTRICT OF WEST VIRGINIA**

HUNTINGTON DIVISION

SIMONE TYRONE JORDAN-EL,

Plaintiff,

v.

CIVIL ACTION NO. 3:16-4328

WESTERN REGIONAL JAIL
OFFICER WHITE,

Defendant.

MEMORANDUM OPINION AND ORDER

This action was referred to the Honorable Cheryl A. Eifert, United States Magistrate Judge, for submission to this Court of proposed findings of fact and recommendation for disposition, pursuant to 28 U.S.C. § 636(b)(1)(B). The Magistrate Judge has submitted findings of fact and recommended that Defendant's Motion to Dismiss (ECF No. 12) be denied; that the complaint be dismissed, without prejudice, for Plaintiff's failure to prosecute; and that this matter be removed from the docket of the Court. Neither party has filed objections to the Magistrate Judge's findings and recommendations.

Accordingly, the Court accepts and incorporates herein the findings and recommendation of the Magistrate Judge and **ORDERS** that Defendant's Motion to Dismiss (ECF No. 12) be denied; that the complaint be **DISMISSED, without prejudice**, for Plaintiff's failure to prosecute; and that this matter be **REMOVED** from the docket of the Court, consistent with the findings and recommendations.

The Court **DIRECTS** the Clerk to forward copies of this written opinion and order to all counsel of record, and any unrepresented parties.

ENTER: October 31, 2016



ROBERT C. CHAMBERS, CHIEF JUDGE